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Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

03-123/
98-67 **CGB**

July 22, 2004

Control No. 0402091-Pol

The Honorable Maria Cantwell
United States Senator
Jackson Federal Building
915 2nd Avenue, Suite 3206
Seattle, WA 98174

Dear Senator Cantwell:

Thank you for your letter of June 14, 2004, on behalf of your constituent, Mr. Donald Gardner, expressing his concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS).

Mr. Gardner is concerned that the Federal Communications Commission (Commission or FCC) is decreasing the availability of VRS. He also asks the Commission to instruct Comcast to reduce prices for and provide to all deaf people, as a reasonable accommodation, high speed internet access in order to allow deaf people to use VRS, which requires a broadband connection to the internet.

As an initial matter, I am concerned that Mr. Gardner believes the FCC is somehow decreasing the availability of VRS. We have done no such thing. In fact, although VRS has been available only for the past two and a half years, and in the past year alone the use of VRS has increased from 211,529 minutes in June 2003, to 733,040 minutes in May 2004. I also note that Mr. Gardner's letter pre-dates two recently released Orders that make clear that VRS is flourishing, as indicated by the figures noted above, and that we are continuing to raise and address new issues as provision of this important service evolves.

First, on June 30, 2004, the Commission released a Report and Order addressing various issues relating to the provision of VRS. We also issued a Further Notice of Proposed Rulemaking (FNPRM), in CG No. 03-123 (FCC 04-137), seeking comment on various matters concerning, inter alia, VRS. Specifically, with regard to VRS, the FNPRM seeks comment on the appropriate cost recovery methodology for VRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. A copy of the Report & Order, Order on Reconsideration and Further Notice of Proposed Rule Making that was released by the Commission on June 30, 2004, is enclosed.

In addition, on June 30, 2004, the Consumer & Governmental Affairs Bureau released an Order approving, subject to adjustments, the per minute compensation rates proposed by the Interstate TRS Fund Administrator, the National Exchange Carrier Association (NECA), for providing all forms of TRS, including VRS, for the July 2004 to June 2005 fund year. A copy of that Order (DA 04-1999) is also enclosed.

With regards to Mr. Gardner's request that the Commission instruct Comcast, as a cable modem service provider, to provide internet access as an accommodation under the Americans with Disabilities Act (ADA), we note that our TRS rules are directed only at the provision of TRS, not at the means by which a consumer may receive broadband service to the home.

To the extent Mr. Gardner has concerns about the provision of VRS, we encourage him to actively participate in proceedings before the Commission to ensure that his opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual should send an e-mail to subscribe@info.fcc.gov and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

We also invite Mr. Gardner to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

We have placed a copy of Mr. Gardner's correspondence in the public record for this proceeding. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

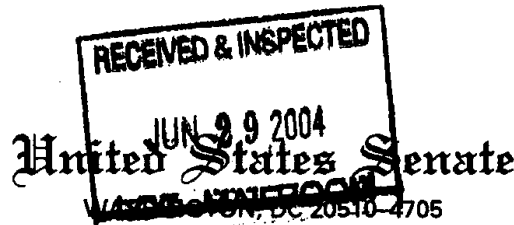


K. Dane Snowden
Chief
Consumer & Governmental Affairs Bureau

Enclosures

MARIA CANTWELL
WASHINGTON

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WASHINGTON, DC 20510-4705
(202) 224-3441
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2091*

June 14, 2004

Ms. Diane Atkinson
Congressional Liaison Specialist
Federal Communications Commission
445 12th Street Southwest, Rm 8-C453
Washington, D.C. 20024

RE: Mr. Donald Gardner
28405 18th Avenue South, Apartment 105
Federal Way, Washington 98003-3290

Dear Ms. Atkinson:

My constituent, Mr. Donald Gardner, has contacted my office for assistance with an issue within your jurisdiction. The following document(s) provide an explanation of my constituent's concern or request. I would appreciate your prompt attention to this matter, and I look forward to your response.

Please direct your response to Jay Pearson in my Seattle District Office at Jackson Federal Building, 915 2nd Avenue, Suite 3206 Seattle, Washington, 98174. Jay Pearson can be reached via: phone: 206-220-6400, fax: 206-220-6404, or email: jay_pearson@cantwell.senate.gov.

If I can provide any additional information, please do not hesitate to contact my office. Again, thank you for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maria Cantwell". The signature is fluid and cursive, with a long, sweeping underline.

Maria Cantwell
United States Senator

MC:jp
Enclosure

30 JUN 2004 RCVD

PLEASE REPLY TO:

☐ U.S. FEDERAL COURTHOUSE
WEST 920 RIVERSIDE, SUITE 697
SPOKANE, WA 99201
(509) 353-2507
FAX: (509) 353-2547

☐ JACKSON FEDERAL BUILDING
915 2ND AVENUE, SUITE 3206
SEATTLE, WA 98174-1003
(206) 220-6400
TOLL FREE: 1-888-648-7328
FAX: (206) 220-6404

☐ MARSHALL HOUSE
1313 OFFICERS' ROW
FIRST FLOOR
VANCOUVER, WA 98661
(360) 696-7838
FAX: (360) 696-7844

☐ 825 JADWIN AVENUE
G-58-A
RICHLAND, WA 99352
(509) 946-8106
FAX: (509) 946-9377

☐ 2930 WETMORE AVENUE
SUITE 98
EVERETT, WA 98201
(425) 303-0114
FAX: (425) 303-8351

☐ 950 PACIFIC AVENUE
6TH FLOOR
TACOMA, WA 98402
(253) 572-2281
FAX: (253) 572-5879

Internet: maria_cantwell@cantwell.senate.gov
Web: <http://cantwell.senate.gov>
PRINTED ON RECYCLED PAPER

View e:\emailobj\200406\44\614135159.txt

From: Nobody <nobody@www.senate.gov>
Date: 6/12/2004 4:33:33 AM
To: webmail@cantwell-ic.senate.gov
Subject: www_email

Dear Honorable Senator Cantwell,

Hi. I received the news about FCC under the Federal in Washington D.C. We have so many complaints against FCC for cutting down our most value of communication with Video Relay Service. I request you to see if you can discuss with FCC to not take away from VRS in United States. We don't want to use TTY or TDD because we have lack of English with grammar structure. It can cause them to misunderstand with our communication over ip relay service. We recommends that we can use video relay service with our pure language such as American Sign Language and show the body language or gesture. There will not misunderstand by communication when we are using Video Relay Service. This is very good and greatly improving for us to communication in new generation. One problem for President Bush shall cut down the modem to use internet. How can we afford to use high speed internet to connect with Video Relay Service. We are very meager budget under the Social Security. Please considering about!

this situation because deaf people are very angry with FCC for cutting down the VRS (Video Relay Service). I also request you to discuss with FCC to have comcast to grant us with cable to connect for Video Relay Service. Comcast cost too much for us to pay for high speed internet with cable. I suggest you to request comcast to reduce and provide all deaf people with their reasonable accommodation to use video relay service because it is rely to have high speed internet. Reason high speed internet will speed up my normal speed with sign language without any extended of time to waiting for few minutes like in ip relay service. I remind you that we feel that we are not fair with hearing to speak so fast and paid less money than 30 dollars. comcast cost us more than 50 dollars per month. Comcast must understand that we are deaf and live with welfare. They must provide us with cable for reasonable accomodation by using VRS.

Thank you very much for concerns.
Donald Gardner

==== Original Formatted Message Starts Here =====

Sender's IP address = 198.81.26.38
<APP>SCCMAIL
<PREFIX>MR</PREFIX>
<FIRST>Donald </FIRST>
<LAST>Gardner</LAST>
<ADDR1>28405 18th Avenue South</ADDR1>
<ADDR2>Apt 105</ADDR2>
<CITY>Federal Way</CITY>
<STATE>WA</STATE>
<ZIP>98003</ZIP>
<HPHONE></HPHONE>
<WPHONE></WPHONE>
<EMAIL>concordduck03@yahoo.com</EMAIL>
<ISSUE>CASE</ISSUE>
<MSG>Dear Honorable Senator Cantwell,

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